

PROB 12B
(7/93)

United States District Court

for the

Eastern District of Washington

Report Date: February 23, 2006

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 03 2006

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Austen Charles McClary

Case Number: 2:03CR00227-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 06/10/2004

Type of Supervision: Probation

Original Offense: Attempted Bank Fraud, 18 U.S.C. 1344(2). Not more than 30 years imprisonment; a fine not to exceed \$1, 000,000; a term of supervised release of not more than 5 years; and a \$100 special penalty assessment.

Date Supervision Commenced: 06/10/2004

Original Sentence: Supervised Release - 36 months

Date Supervision Expires: 06/09/2007

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 19 You shall provide the supervising probation officer with access to any requested financial information, including authorization to conduct credit checks and obtain copies of your Federal income tax returns. You shall disclose all assets and liabilities to the supervising probation officer. You shall not transfer, sell, give away, or otherwise convey any asset, without the advance approval of the supervising probation officer.
- 20 You shall not incur any new debt, open additional lines of credit, or enter into any financial contracts, without the advance approval of the supervising probation officer.
- 21 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

On February 17, 2006, this officer was notified that the offender tested positive for marijuana on February 16, 2006. The offender reported to the U.S. Probation Office as instructed on February 17, 2006. Mr. McClary acknowledged and signed a "Eastern District of Washington U.S. Probation and Pretrial Services Admission of Drug Use" indicating he used marijuana on February 15, 2006. When asked why he used, he stated he was "bored."

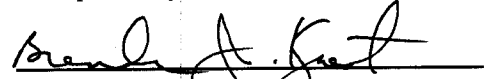
Prob 12B

Re: McClary, Austen Charles**February 23, 2006****Page 2**

On February 17, 2006, the probation office was informed that the offender owed Second Chance-Turner House bill in the amount of \$283. On February 22, 2006, this was confirmed by the billing department at Turner House. The offender has not followed through in making payments as he previously had agreed to do. Mr. McClary now wants to rectify this matter. He will be obtaining a 2005 Internal Revenue Service (IRS) tax return this month. He has agreed to put a portion of this tax return toward his debt at Turner House. He also has agreed to cooperate with this office in providing all financial documentation and not incurring new debt while he owes money to Turner House.

Respectfully submitted,

by




Brenda J. Kuest

U.S. Probation Officer

Date: February 23, 2006

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

Date

